

02-19-04

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Page 1 of 2

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/728,363	12/03/2003	Joel A. Osborne	03946/100M242-US4

CONFIRMATION NO. 6396

07278  
DARBY & DARBY P.C.  
P. O. BOX 5257  
NEW YORK, NY 10150-5257

## FORMALITIES LETTER



\*OC000000012853345\*

Date Mailed: 06/03/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

08/19/2004 SSITHIB1 00000027 10728363

FILED UNDER 37 CFR 1.53(b)

03 FC:2001	385.00 OP
04 FC:2201	86.00 OP
05 FC:2202	162.00 OP
06 FC:2051	65.00 OP

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 385 to complete the basic filing fee for a small entity.*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
  - The drawings must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) 1-28.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$248 as a small entity, including any required multiple dependent claim fee, are

required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$698** for a Small Entity

- **\$385** Statutory basic filing fee.
- **\$65** Late oath or declaration Surcharge.
  
- Total additional claim fee(s) for this application is **\$248**
  - **\$86** for **2** independent claims over 3.
  - **\$162** for **18** total claims over 20.



Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



PTO/SB/17 (10-03)

Approved for use through 7/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 793.00

**Complete if Known**

Application Number	10/728,363-Conf. #6396
Filing Date	December 3, 2003
First Named Inventor	Joel A. Osborne
Examiner Name	Not Yet Assigned
Art Unit	N/A
Attorney Docket No.	03946/100M242-US4

**METHOD OF PAYMENT (check all that apply)**☒ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

Deposit Account:

Deposit Account Number

04-0100

Deposit Account Name

Darby &amp; Darby P.C.

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☐ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee	385.00
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$) 385.00

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

	Extra Claims	Fee from below	Fee Paid
Total Claims	38	-20** = 18 x 9.00 =	162.00
Independent Claims	5	-3** = 2 x 43.00 =	86.00
Multiple Dependent			

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 248.00

\*\*or number previously paid, if greater; For Reissues See above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	65.00
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	55.00
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	40.00
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 160.00

**SUBMITTED BY**

Name (Print/Type) Edward J. Ellis

Registration No. (Attorney/Agent)

40,389

(Complete if applicable)

Telephone (212) 527-7704

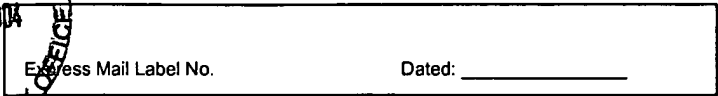
Signature

Date August 18, 2004

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Express Mail Label No.

Dated: \_\_\_\_\_



{W:\03946\100M242US4\00239051.DOC {XXXXXXXXXXXXXXXXXXXX}}

Our check in the amount of \$793.00 covering the fee set forth in 37 CFR 1.16(e) and the filing fee for the subject application is enclosed. The Commissioner is authorized to charge any deficiency of up to \$300.00 or credit any excess in this fee to Deposit Account No. 04-0100.

Dated: August 18, 2004

Respectfully submitted,

By 

Edward J. Ellis

Registration No.: 40,389

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Attorneys/Agents For Applicant



Application No. (if known): 10/728,363

Attorney Docket No.: 03946/100M242-US4

## Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. \_\_\_\_\_ in an envelope addressed to:

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P.O. Box 1450  
Alexandria, VA 22313-1450

on August 18, 2004  
Date

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B.W. Lee  
Signature

B.W. LEE

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Petition for Extension of Time Under (1 page);  
Response to Notice to File Missing Parts of Application (2 pages);  
Fee Transmittal (1 page);  
Part 2 Copy of Notice;  
Combined Declaration and Power of Attorney (4 pages);  
Submission of Formal Drawings (1 page)  
Formal Drawings (1-38 figures, 31 pages);  
Recordation Form Cover Sheet (1 page);  
Assignment (2 pages);  
Check in the amount of \$793.00; and CF# 5833  
Return Postcard



Express Mail Label No. \_\_\_\_\_

Dated: \_\_\_\_\_

Docket No.: 03946/100M242-US4  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:

Joel A. Osborne et al.

Application No.: 10/728,363

Confirmation Number: 6396

Filed: December 3, 2003

Art Unit: N/A

For: TAMPER EVIDENT SYRINGE TIP CAP AND  
AUTOMATED METHOD FOR PREPARING  
TAMPER-EVIDENT SYRINGES

Examiner: Not Yet Assigned

**SUBMISSION OF FORMAL DRAWINGS**

MS PGPUB Drawings  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Submitted herewith is one set (thirty-one sheets, figures 1-38) of formal drawings for filing in the above-identified patent application. Kindly substitute the enclosed formal drawings for the informal drawings submitted with the originally filed application.

Dated: August 18, 2004

Respectfully submitted,

By 

Edward J. Ellis

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